

FINDING OF NO SIGNIFICANT IMPACT
For
LOCATABLE MINERAL ENTRY WITHDRAWAL FOR AREAS OF CRITICAL
ENVIRONMENTAL CONCERN (ACEC) WITHIN THE SOUTHERN NEVADA
DISTRICT OFFICE
NEPA NV-052-2008-438
Case File NVN-83979

Finding of No Significant Impact:

I have reviewed Environmental Assessment (EA) NV-052-2008-438, dated January 15, 2009. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

I have determined the proposed action is in conformance with the approved Las Vegas Resource Management Plan, and is consistent with applicable plans and policies of county, state, tribal and Federal agencies. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context:

The Area of Critical Environmental Concern (ACEC) designation is an administrative designation used by the BLM that is accomplished through the land use planning process and unique to the BLM as no other agency uses this form of designation. BLM regulations (43 CFR 1601.0-5) define an ACEC as an area "within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards."

The BLM Las Vegas Resource Management Plan and Environmental Impact Statement (RMP), approved on October 5, 1998, designated 24 ACECs and recommended that any public lands located within the ACECs be withdrawn from mineral entry. The public lands within the ACECs proposed for withdrawal comprise approximately 944,343 acres. The objective of the proposed action is to implement one of the management decisions outlined in the Record of Decision for the RMP at AC-1a/2a (Manage each area based on specific resource constraints, identified in the tables above) regarding protection and preservation of biological and cultural resources within the ACECs. These ACECs are situated in remote and relatively pristine areas of the Mojave Desert, encompassing significant and/or unique biological and cultural resource values. Implementation of BLM's proposed withdrawal would preserve the sensitive resources contained within the ACECs that would otherwise be lost to additional locatable mineral entry. The proposed action would not affect valid existing rights including, but not limited to, mining, recreation, and/or rights-of-way.

Intensity:

1) *Impacts that may be both beneficial and adverse.*

The EA has considered both the beneficial and adverse impacts of the proposed withdrawal. There would be substantial benefits to important historic, cultural, and biological resource values contained within the ACECs as a result of implementation of the proposed withdrawal. Federally threatened and endangered, as well as sensitive species would benefit from the proposed withdrawal, allowing these species a greater range of un-harassed movement through the habitat they inhabit. Cultural resource sites within the ACECs that are eligible for, or are on the National Register of Historic Places (NHRP) would remain intact, materials that may be dateable through radiocarbon dating would not be contaminated, and site integrity would be maintained.

The proposed withdrawal of the ACECs from locatable mineral entry under the mining law prevents new prospecting, location, and development of those minerals. Withdrawal from locatable mineral entry would forgo any future economic benefits derived from the potential development of mineral resources; benefits would include mining and construction jobs, state and local taxes, and products to various construction and manufacturing industries. Mineral deposits that have been recognized prior to the segregation and withdrawal dates would have opportunity for development. Existing mining claims and operations that pass BLM validity requirements would be allowed to submit Plans of Operation and proceed with development subsequent to environmental review as required by NEPA. Any work proposals beyond casual use disturbance on existing mining claims or operations are subject to validity determinations and cost recovery for those determinations.

2) *The degree to which the proposed action affects public health or safety.*

The administrative act of withdrawing land from additional locatable mineral development has little to no adverse impact on public health and safety. On the contrary, beneficial effects to public health or safety are anticipated to result from implementation of the proposed action as fewer abandoned mines would result with less area to mine for locatable minerals.

3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

All of the ACECs are considered ecologically critical areas and also have many important historic and cultural resources that can be found within them. The proposed withdrawal would protect these areas from the degradation that would otherwise be incurred by additional locatable mineral entry, so that future generations would be able to enjoy these resources.

The BLM is required by four laws (Antiquities Act of 1906, National Preservation Act of 1966, Archaeological Resources Protection Act of 1979, and Federal Land Policy and Management Act of 1976) to protect historic properties on BLM managed public land. Under these laws, eleven ACECs were established to protect and preserve irreplaceable significant cultural resource sites that include prehistoric rock art sites, prehistoric village and habitation sites, and historic mining, town, railroad, and trail sites. These sites are either eligible for, or are on the National Register of Historic Places (NHRP). These sites are invaluable to the general public and Native American tribes located in or near the BLM Southern Nevada District. Each of these human-created resource sites has the information potential to add to our cumulative knowledge of southern Nevada history and to learn from the successful and unsuccessful adaptations to a desert environment that have occurred in the past.

Biologically, the ACECs are endowed with quality habitat for myriad flora and fauna species. Nine of the ACECs were established to protect wildlife habitat, five of which were allocated to safeguard designated critical habitat for federally listed threatened and endangered species. Allowing mining actions to occur will result in the destruction and adverse modification of habitat and/or loss of the primary constituent elements required for species recovery, which will hinder the Federal government's ability to recover the following species: Desert Tortoise; Southwestern Willow Flycatcher, Woundfin and Virgin River Chub in the Virgin River; and numerous listed species that occur in Ash Meadows.

- 4) *The degree to which the effects on the quality of the human environment are likely to be controversial.*

The EA documents the extensive public outreach for the proposed action, including public meetings, planning updates, media coverage and correspondence. The proposed withdrawal is a very controversial topic with public land users, particularly stakeholders who have interests related to mining development. There were several objections to the proposed action as withdrawal from locatable mineral entry would forgo any future economic benefits derived from the potential development of mineral resources. Effects would include mining and construction jobs, state and local taxes, and products to various construction and manufacturing industries. However, existing mining claims and operations that pass BLM validity requirements would be allowed to submit Plans of Operation and proceed with development subsequent to environmental review as required by NEPA.

- 5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

Withdrawal of these public lands will not cause effects which are considered uncertain or involve unique or unknown risks.

- 6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The proposed action is being completed within existing authorities, policies and regulations and does not establish a precedent for future actions with significant effects or constitute a decision in principle about a future consideration.

- 7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

No significant cumulative impacts were identified in the EA.

As the Proposed Action is an administrative action designed for the protection of significant resource values contained within the ACECs, it has been determined that cumulative impacts to those resource values would produce an overall beneficial effect.

Existing mining claims within the withdrawn area would not be directly affected during the proposed 20 year period of withdrawal, unless the claimant proposed to conduct mineral exploration or mining. These claims have a right subject to validity and could submit a plan that will be reviewed and could lead to further impacts to the resources analyzed in the EA. Mineral exploration and mining could proceed under usual BLM procedures on lands within the withdrawn lands. However, exploration or mining could only proceed after completion of a validity examination. Only mining claims showing evidence of economic mineralization would be considered for BLM authorization of exploration or mining.

- 8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.*

No adverse effects to NRHP eligible sites or structures, or to any scientific, cultural or historical resources, are expected to result from the proposed action; a higher degree of protection is anticipated for these resources as a result of implementation of the proposed action.

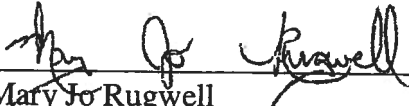
- 9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.*

Adverse effects to listed species or critical habitat would be considerably reduced as a result of the proposed action. Existing mining claims within the withdrawn area would not be directly affected during the proposed 20 year period of withdrawal, unless the claimant proposed to conduct mineral exploration or mining. These claims have a right subject to validity and could submit a plan that will be reviewed and could lead to further impacts to endangered or threatened species, as well as associated critical habitat.

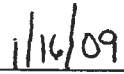
10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The proposed action will not violate or threaten to violate any Federal, State or local law or requirements imposed for the protection of the environment. The proposed action is consistent with Title II, Sec. 204 of the Federal Land Policy and Management Act of 1976 and regulations at 43 CFR 2300 pertaining to withdrawals of public lands.

No other significant impacts are expected to result from implementation of the selected action. No Forests or Rangelands; Farm Lands (Prime, Unique, or of Statewide importance); Wild or Scenic Rivers; Wastes, Hazards, or solids; nor any Wilderness areas are present within the lands proposed for withdrawal. The proposed action would not affect valid existing rights including, but not limited to, mining, recreation, and/or rights-of-way.



Mary Jo Rugwell
Southern Nevada District Manager



Date